



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Timothy Witt, Treasurer  
Kerry Bentivolio for US Congress  
P.O. Box 886  
Suite 600  
Walled Lake, MI 48390

JUL 15 2016

RE: MUR 6622

Dear Mr. Witt:

On July 11, 2016, the Federal Election Commission accepted the signed conciliation agreement submitted by you on behalf of Kerry Bentivolio for US Congress and you, in your official capacity as treasurer, to resolve violations of 52 U.S.C. § 30104(a) and (b). Accordingly, the file in this matter is now closed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003); Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please do not hesitate to contact me at (202) 694-1372.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Q. Lockett", is written over a circular stamp.

Roy Q. Lockett  
Attorney, Enforcement Division

Enclosure  
Conciliation Agreement

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the matter of )  
4 ) MUR 6622  
5 Kerry Bentivolio for US Congress and )  
6 Timothy Witt in his official )  
7 capacity as treasurer )  
8 )  
9

10 **CONCILIATION AGREEMENT**

11 This matter was initiated by a signed, sworn, and notarized complaint by Paul Welday,  
12 and pursuant to information ascertained by the Federal Election Commission (the  
13 "Commission") in the normal course of carrying out its supervisory responsibilities. The  
14 Commission found reason to believe that Kerry Bentivolio for US Congress and Timothy Witt in  
15 his official capacity as treasurer ("Respondents" or "Committee") violated 52 U.S.C. § 30104(a)  
16 and (b) (formerly 2 U.S.C. § 434(a) and (b)).

17 NOW, THEREFORE, the Commission and the Respondents, having participated in  
18 informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree  
19 as follows:

20 I. The Commission has jurisdiction over the Respondents and the subject matter of  
21 this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C.  
22 § 30109(a)(4)(A)(i) (formerly 2 U.S.C. § 437g(a)(4)(A)(i)).

23 II. Respondents have had a reasonable opportunity to demonstrate that no action  
24 should be taken in this matter.

25 III. Respondents enter voluntarily into this agreement with the Commission.

26 IV. The pertinent facts in this matter are as follows:

27 1. The Committee is the authorized campaign committee of Kerry Bentivolio, who  
28 was a candidate for the U.S. House of Representatives from Michigan's 11th District in 2012.

1 The Committee amended its Statement of Organization on September 13, 2012, to name  
2 Timothy Witt as its treasurer, replacing Bentivolio, the Committee's original treasurer. Witt was  
3 not the treasurer at the time of the reporting violations described herein, and was not involved in  
4 the Committee's activities at that time. At the time that he was named treasurer, Witt filed  
5 amendments to the Committee's disclosure reports addressing Committee reporting violations.  
6 He is named in this matter only in his official capacity as treasurer.

7 2. The Federal Election Campaign Act of 1971, as amended (the "Act"), requires  
8 committee treasurers to file reports of receipts and disbursements in accordance with the  
9 provisions of 52 U.S.C. § 30104 (formerly 2 U.S.C. § 434). 52 U.S.C. § 30104(a)(1) (formerly  
10 2 U.S.C. § 434(a)(1)); 11 C.F.R. § 104.1(a). These reports must include, *inter alia*, the total  
11 amount of receipts and disbursements, including the appropriate itemizations, where required.  
12 52 U.S.C. § 30104(b) (formerly 2 U.S.C. § 434(b)); 11 C.F.R. § 104.3. Treasurers are  
13 responsible for the accuracy of the information contained in committee disclosure reports, as  
14 well as the timely complete filing of those reports. 11 C.F.R. § 104.14(d). Treasurers must also  
15 sign each disclosure report. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)); 11 C.F.R.  
16 §§ 104.1(a), 104.14(a). In addition to complete and accurate disclosure of receipts and  
17 disbursements, the Act also requires accurate disclosure of the amount of cash-on-hand at the  
18 beginning and end of the reporting period. 52 U.S.C. § 30104(b)(1) (formerly 2 U.S.C.  
19 § 434(b)(1)); 11 C.F.R. § 104.3(a)(1). The Act and Commission regulations further require  
20 political committees to continuously report the amount and nature of their outstanding debts until  
21 those debts are extinguished. 52 U.S.C. § 30104(b)(8) (formerly 2 U.S.C. § 434(b)(8)),  
22 11 C.F.R. §§ 104.3(d), 104.11(a). For the 2011-2012 election cycle, individuals were permitted  
23 to contribute a maximum of \$2,500 to a candidate or candidate committee per election.

1 52 U.S.C. § 30116(a)(1)(A) (formerly 2 U.S.C. § 441a(a)(1)(A)). Under the Act, multicandidate  
2 committees may make contributions to candidates up to \$5,000 per election. 52 U.S.C.  
3 § 30116(a)(2)(A) (formerly 2 U.S.C. § 441a(a)(2)(A)).

4 3. On April 13, 2012, the Committee filed its original 2012 April Quarterly Report  
5 covering the period from January 1, 2012, through March 31, 2012, which disclosed \$2,806.34 in  
6 disbursements. The Committee filed amendments to the original report on July 15, 2012, and  
7 September 12, 2012. The amendments disclosed additional disbursements totaling \$50,519.59.

8 4. On its original 2012 April Quarterly Report, the Committee disclosed a  
9 \$57,000.00 bank loan from Fifth Third Bank as received on January 11, 2012. The Committee  
10 amendment to this report, filed on July 15, 2012, does not disclose the loan and does not indicate  
11 that the loan was repaid.

12 5. The Committee's Amended 2012 April Quarterly Report instead disclosed the  
13 receipt of \$58,228 in contributions from Bentivolio and \$58,113.13 in loans from him that were  
14 not included on the Committee's original report. Specifically, the Committee disclosed two  
15 receipts from Bentivolio in the amount of \$19,730 as both a contribution and a loan on  
16 January 26, 2012. Likewise, the Committee described a \$38,383.13 receipt as a contribution on  
17 January 27, 2012, and the same amount as a loan on January 30, 2012. The Committee double-  
18 counted the two receipts, as indicated by its Second Amended 2012 April Quarterly Report filed  
19 on September 12, 2012, which disclosed \$58,083.13 in loans from Bentivolio and only \$115.00  
20 in contributions from him.

21 6. The Committee's Amended 2012 April Quarterly Report also disclosed a  
22 \$50,000 payment to Bentivolio on March 5, 2012, as an "Other Disbursement." This payment  
23 was not disclosed on the Committee's original 2012 April Quarterly Report. On its Second

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1 Amended 2012 April Quarterly Report, filed on September 12, 2012, the Committee disclosed its  
2 \$50,000 payment to Bentivolio on March 5, 2012, as a loan repayment.

3 7. On July 15, 2012, the Committee filed its original 2012 July Quarterly Report,  
4 covering the period from April 1, 2012, through June 30, 2012, reflecting a cash-on-hand balance  
5 of \$0 at the beginning of the reporting period. This amount did not correspond to the  
6 Committee's Amended 2012 April Quarterly Report's ending cash-on-hand balance of  
7 \$67,100.41 on March 31, 2012.

8 8. The Committee's original 2012 July Quarterly Report disclosed \$26,501.00 in  
9 receipts and \$17,828.57 in disbursements. The Committee filed amendments to the original  
10 report on July 18, 2012 and September 12, 2012. The amendments disclosed additional receipts  
11 totaling \$1,588.63 and additional disbursements totaling \$12,436.27.

12 9. The Committee's Amended 2012 July Quarterly Report reflected that it received  
13 both a \$10,000 loan and a \$10,000 contribution from Bentivolio on June 25, 2012. On its  
14 Second Amended 2012 July Quarterly Report, filed on September 12, 2012, the Committee  
15 disclosed that it received only a \$10,000 loan from Bentivolio on June 25, 2012.

16 10. The Committee's original and Amended 2012 July Quarterly Reports did not  
17 accurately disclose the Committee's election cycle-to-date receipts and disbursements. In both  
18 reports, the Committee's summary and detailed summary pages disclosed election cycle-to-date  
19 receipts and disbursements matching the Committee's receipts and disbursements for the July  
20 Quarterly reporting period but excluding the Committee's receipts and disbursements for the  
21 April Quarterly reporting period.

22 11. On July 26, 2012, the Committee filed its original 2012 Pre-Primary Report,  
23 covering the period from July 1 through July 18, 2012, reflecting a cash-on-hand balance of \$0 at

1 the beginning of the reporting period. This amount did not correspond with the Amended 2012  
2 July Quarterly Report's ending cash-on-hand balance of \$91,183.78 on June 30, 2012.

3 12. The Committee's original 2012 Pre-Primary Report disclosed a \$50,000  
4 payment to Bentivolio on July 5, 2012, as a contribution refund on the detailed summary page.  
5 On its Amended 2012 Pre-Primary Report, filed on September 12, 2012, the Committee  
6 disclosed this \$50,000 payment to Bentivolio as a loan repayment.

7 13. The Committee's original 2012 July Quarterly Report reflected that it received  
8 three excessive contributions: (1) \$3,000 from Robert J. Dindoffer that was \$500 over the limit;  
9 (2) \$5,000 from Kristin M. Lee that was \$2,500 over the limit; and (3) \$5,250 from Young  
10 Americans for Liberty Inc.'s Liberty Action Fund (f/k/a Young Americans for Liberty PAC)  
11 ("YALFUND"), a multicandidate committee, which was \$250 over the limit. *See* 52 U.S.C.  
12 § 30116(a)(1)(A) and (a)(2)(A) (formerly 2 U.S.C. § 441a(a)(1)(A) and (a)(2)(A)). The  
13 Committee did not receive excessive contributions from these contributors but instead  
14 misreported the contributions. The Committee failed to disclose Dindoffer's redesignation of the  
15 \$500 excessive contribution from the 2012 primary to the 2012 special election, misreported  
16 Lee's \$500 contribution as \$5,000, and failed to properly attribute contributions from three  
17 individuals that YALFUND had forwarded to the Committee. *See* Committee Second Amended  
18 2012 July Quarterly Report (Sept. 12, 2012) and Third Amended 2012 July Quarterly Report  
19 (Dec. 26, 2012).

20 14. Although the Committee's original Statement of Organization identified Kerry  
21 Bentivolio as its treasurer and Robert Dindoffer as assistant treasurer, the Committee's 2012  
22 April Quarterly Report, Amended 2012 April Quarterly Report, 2012 July Quarterly Report,  
23 Amended 2012 July Quarterly Report, 2012 Pre-Primary Report and four 48-Hour Notices

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**1 contain the signature of Deborah (or Debbie) Llewellyn in the place of the registered treasurer.**

2           V.       Respondents violated 52 U.S.C. § 30104(a) and (b) (formerly 2 U.S.C. § 434(a)  
3   and (b)) by filing reports without the signature of the treasurer and by failing to accurately  
4   disclose receipts, disbursements, debts, and cash-on-hand information.

5 VI. 1. In ordinary circumstances, the Commission would seek a higher civil penalty  
6 based on the violations outlined in this agreement. However, the Commission is taking into  
7 account that the Committee is defunct, has limited cash on hand, and has a limited ability to raise  
8 any additional funds. In light of these factors, Respondents will pay a civil penalty to the  
9 Commission in the amount of Two Thousand Two Hundred Dollars (\$2,200), which reflects the  
10 Committee's remaining cash on hand, pursuant to 52 U.S.C. § 30109(a)(5)(A) (formerly  
11 2 U.S.C. § 437g(a)(5)(A)).

12                   2. Respondents will cease and desist from committing violations of 52 U.S.C.  
13   § 30104(a) and (b) (formerly 2 U.S.C. § 434(a) and (b)).

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) (formerly 2 U.S.C. § 437g(a)(1)) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

19 VIII. This agreement shall become effective as of the date that all parties hereto have  
20 executed the same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

1           X.    This Conciliation Agreement constitutes the entire agreement between the  
2 parties on the matters raised herein, and no other statement, promise, or agreement, either written  
3 or oral, made by either party or by agents of either party, which is not contained within this  
4 written agreement shall be enforceable.

5 FOR THE COMMISSION:  
6

7 BY: Kathleen M. Guith  
8 Kathleen M. Guith  
9 Acting Associate General Counsel  
10 for Enforcement

7-14-16  
Date

11 FOR THE RESPONDENTS:

12 Timothy Witt  
13 Timothy Witt  
14 Treasurer

May 20, 2016  
Date

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